

Serial No.: 09/738,801

Attorney Docket No.: 2000P09081US

REMARKS

Upon entry of the instant Amendment, Claims 1-18 are pending. Claims 1, 4, 10, and 16 have been amended to more particularly point out Applicant's invention.

Claims 1-18 were rejected under 35 U.S.C. 103 as being unpatentable over Budge et al., U.S. Patent No. 6,014,689 ("Budge") in view of Ludwig et al., U.S. Patent Application Publication No. 2005/0144284 ("Ludwig"). Applicant notes that, while paragraph 3 does not explicitly indicate that "Official Notice" of "compression method" and "timer deactivation" form a basis for the Section 103 rejection, the discussion of the rejection could provide a basis for such an interpretation. In any event, Applicant respectfully submits that the claimed invention is not taught, suggested, or implied by Budge, Ludwig, or "Official Notice," either singly or in combination.

As discussed in the specification, an aspect of the present invention is to provide an improved video e-mail system. Certain embodiments include a video input device with a video e-mail controller, and a Web Access Device processor implementing video capture, e-mail and compression selection programs. In operation, a user activates the video e-mail controller, for example, by pushing or clicking a button. The video input device sends a video stream to the Web Access Device processor which is stored until for a predetermined period or the user clicks or pushes the button again. In response to the resulting signal, the Web Access Device processor then automatically activates the e-mail program, opens a "compose" window, and automatically attaches the stored video file as an attachment to the e-mail.

Thus, claim 1 has been amended to recite "launching an e-mail application responsive to said deactivate signal;" claims 4, 10, and 16 recite "automatically open[ing] an e-mail compose window and attach[ing], without user interaction, said video images to an e-mail compose window responsive to a video e-mail command signal for transmission as an attached e-mail file."

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In contrast, as discussed in response to the previous Official Action, Budge appears to require the user to access (LOAD) a video file and then manually activate the MAIL button 670. Presumably, then, the user must manually attach the file. However, Budge does not appear, inter alia, to automatically attach, without user interaction, the video file to an e-mail compose window for transmission. Thus, Budge appears representative of problems solved by implementations of the present invention, which allow for automatic loading or attachment of video files.

Indeed, that Budge fails to teach such automatic attaching is acknowledged in the Official Action, which relies on Ludwig to allegedly teach automatic attaching.

However, Ludwig does not appear to automatically open an e-mail window or attach the video file. On page 33, paragraph [0636], Ludwig clearly states "when a user, at 1404, initiates a new e-mail message, the source e-mail system queries, at 1406, whether the user intends to attach a video attachment to the e-mail."

Thus, any attaching occurs with manual selection and manual opening of the e-mail application by the user. Thus, if anything, Ludwig is representative of problems solved by the present invention, which provides a simplified method for generating and attaching video files to e-mail.

As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1, 4, 10, and 16.

It is axiomatic that, where independent claims are not invalid due to obviousness over particular references, claims depending therefrom are likewise not invalid over the same references, even when combined with alleged prior art that does not supply the missing teachings. Thus, since the alleged "Official Notice" prior art (even if validly construable as prior art) fails to supply such teachings Applicant respectfully submits that the claims depending from claims 1, 4, 10, and 16 are likewise not invalid. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

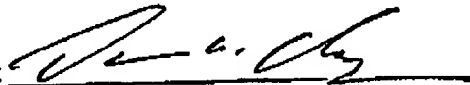
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For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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